

DEPARTMENT OF LABOR
LICENSING AND REGULATION

v.

DONTE BAILEY
Famous Pawnbrokers

Respondent

CASE NOS.: SPMG 10-0063
SPMG 10-0072
SPMG 10-0105

* * * * *

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of complaints filed by the Baltimore County Police Burglary Unit. Upon a review of the complaints, the Department has determined that administrative charges against Donte Bailey, dba Famous Pawnbrokers (the "Respondent"), be filed and an administrative hearing should be held. In an effort to resolve this matter without a formal hearing, the Respondent and the Department have agreed to enter into this Consent Order as the final settlement of this matter.

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.
2. The Respondent obtained a license as a secondhand precious metal object dealer and pawnbroker dba Famous Pawnbrokers 1235 Eastern Boulevard, Baltimore, Maryland 21221 on January 30, 2008.
3. On February 9, 2010, Corporal Christine Sisk of the Baltimore County Police Burglary Unit conducted an inspection of pawn and secondhand precious metal object transactions conducted by the Respondent or his employees. The inspection revealed errors in the matching of the last name and driver's license numbers of the sellers of items in the following ten transactions: 612852217, 612054933, 61277859, 61259101, 613055029, 613055835, 612052753, 612053322, 612053780, and 612054121

4. On December 1, 2009 Ms. Laura Tapp conducted an inspection of pawn and secondhand precious metal object transactions conducted by the Respondent and or his employees. The inspection revealed that the Respondent and or his employees failed to obtain two forms of identification of the seller in the absence of a valid driver's license in the following four transactions: 613899756, 614176039, 614488483, and 611977306.

5. An authorized employee of the Respondent, failed to correctly document the seller's name, address, telephone number, and drivers license number in Transaction No. 603013828, dated September 14, 2009.

6. The Respondent or his authorized employee, failed to provide a correct driver's license number in Transaction No. 611948844, dated January 16, 2010.

7. The December 1, 2010 inspection by Ms. Tapp also revealed inspection revealed errors in the matching of the last name and driver's license numbers of the sellers of items in the following eleven transactions: 613536516, 613767620, 613055388, 612574867, 612318666, 611755971, 612277634, 612189991, 612096110, and 612987803, and 613453426.

8. On March 24, 2010 Ms. Laura Tapp conducted an inspection of pawn and secondhand precious metal object transactions conducted by the Respondent or his employees. The inspection revealed that the Respondent or his employees failed to record the proper driver's license number or identify the type of identification documents presented by the seller in the following eleven transactions: 614060118, 614060205, 61562897, 615487296, 615213201, 615105697, 615038644, 614988814, 614822742, 614638637, 614542671, and 615630117.

9. The Respondent or the Respondent's employees knew or should have known of the requirements for the proper procedure required to positively identify the seller of secondhand precious metal objects and pawns and the proper recording of identification on daily transaction reports.

10. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Articles §§12-301 (a) and (b) and 12-302 (a) (4), which state:

§ 12-301. Required records.

(a) Records of dealers.- Each dealer shall make a written record, on a form provided by the Secretary, of each business transaction that involves the acquisition of a secondhand precious metal object when the transaction is made.

(b) Records of pawnbrokers.- Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

- (1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or
- (2) buying personal property on condition of selling it back at a stipulated price; or
- (3) buying the following items for the purpose of resale:
 - (i) binoculars;
 - (ii) cameras;
 - (iii) firearms;
 - (iv) furs;
 - (v) household appliances;
 - (vi) musical instruments;
 - (vii) office machines or equipment;
 - (viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;
 - (ix) personal computers, tapes, and disc recorders;
 - (x) watches;
 - (xi) bicycles; and
 - (xii) tangible personal property pledged as collateral.

§12-302. Contents of Records

- (a) In addition to any other information required by the Secretary, the records of a dealer shall include...
- (4) for each individual from whom the dealer acquires a precious metal object:
 - (i) the name, date of birth, and driver's license number of the individual; or
 - (ii) identification information about the individual that:
 1. positively identifies the individual from at least 2 forms of identification, which may include an age of majority card, military identification, or passport; and
 2. provides a physical description of the individual, including the sex, race, any distinguishing

features, and approximate age, height, and weight of the individual.

10. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$ 300.00 upon the Respondent's execution of this Consent Order.

11. The Respondent further agrees that he shall abide by the provisions of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act, § 12-101 et. seq. and COMAR 09.25.01, et. seq.

12. The Respondent, by entering into this Consent Order, expressly waives the right to have the pending allegations by the Department reduced to written charges, the right to an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, and any all further proceeding before the Department to which the Respondent may be entitled to in this matter, and any rights to appeal from this Order.

13. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

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BASED ON THESE STIPULATIONS, IT IS, THIS 15 DAY OF April, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §§12-301 (a) and (b) and 12-302 (a) (4), Annotated Code of Maryland;

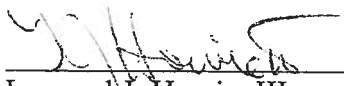
ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$300.00 for the violations, which amount is to payable to the Department upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that the Department's records and publications reflect the violations and the civil penalty of \$300.00 imposed on the Respondent.



Donte Bailey



Leonard J. Howie, III
Deputy Secretary
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

4/15/2010

Date